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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF SANTA BARBARA

10 SANTA BARBARA COUNTY COALITION  
11 FOR RESPONSIBLE CANNABIS, *et al.*

12 *Plaintiff,*

13 v.

14 CERES FARMS, LLC, *et al.*,

15 *Defendants.*

Case No. 23CV03885

**PLAINTIFFS' NOTICE OF MOTION AND  
MOTION FOR CLASS CERTIFICATION**

*Assigned to the Honorable Thomas P. Anderle*

[Filed concurrently with the Declarations of  
Robert A. Curtis, Aaron L. Arndt, Lionell Neff,  
Danielle Dall'Armi, Chonnie Bliss Jacobson, and  
John J. Gobbell, Jr. in support thereof]

Date: March 5, 2025

Time: 10:00 a.m.

Location: Dept. 3

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD HEREIN:

2 NOTICE IS HEREBY GIVEN that on **March 5, 2025, at 10:00 a.m.**, in Department 3 of the  
3 above-captioned Court, located at 1100 Anacapa Street, Santa Barbara, CA 93101, Plaintiffs William Hahn,  
4 Danielle Dall'Armi, and Chonnie Bliss Jacobson (collectively, "Plaintiffs") will and hereby do move the  
5 Court, individually and on behalf of all others similarly situated, for an order that the action be certified as  
6 a class action, that Danielle Dall'Armi, William Hahn, and Chonnie Bliss be named as a suitable class  
7 representative and that its attorneys with Foley Bezek Behle & Curtis, LLP be named as class counsel.

8 The motion is made on the grounds that there is an ascertainable class, there are common, similar,  
9 and unique questions of fact and law, the class action is superior to other available methods for the fair and  
10 efficient adjudication of the controversy, Plaintiff should be the class representative and is a member of  
11 the class and, along with plaintiff's counsel, can and will adequately represent the interests of the class as  
12 a whole.

13 The motion is based on this notice of motion, the memorandum of points and authorities offered  
14 in support thereof, the Declarations of Aaron L. Arndt, Chonnie Bliss Jacobson, Danielle Dall'Armi, J.J.  
15 Gobbell, and Lionel Neff, along with the request for judicial notice, and proposed order filed herewith,  
16 and all the papers, records, and documents on file herein, and upon such evidence, oral and documentary,  
17 to be introduced at the hearing on the motion.

18  
19  
20 Dated: February 5, 2025

FOLEY BEZEK BEHLE & CURTIS, LLP

21  
22 By   
23 ROBERT A. CURTIS  
24 *Attorneys for Plaintiffs*

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1 **Memorandum of Points and Authorities**

2 **I. Introduction**

3 By this motion, three Carpinteria residents William Hahn, Danielle Dall'Armi, and Chonnie Bliss  
4 Jacobson (collectively "Plaintiffs"), along with the Santa Barbara County Coalition for Responsible  
5 Cannabis (the "Coalition"), seek to certify a class of individual property owners who reside within a  
6 certain proximity of a commercial cannabis operation run or owned by defendant Valley Crest Farms, LLC  
7 ("Valley Crest" or "Defendant") for nuisance, trespass, and violations of California's Unfair  
8 Competition Law arising from Defendant's commercial cannabis operations.

9 Specifically, these Plaintiffs and the members of the putative class have lost the occupancy,  
10 possession, use, and/or enjoyment of their real property, by having to endure an ever-present noxious odor  
11 in their homes and on their land from the cultivation and processing of cannabis. Moreover, their  
12 properties and persons have been exposed to harmful chemicals emitted from Defendant's alleged "odor  
13 control systems." As a result, these owners and the class have experienced diminution of value of their  
14 real property and compensable loss of use of their properties.

15 Plaintiffs and the Coalition are not anti-cannabis. Indeed, Plaintiffs recognize that the use of  
16 cannabis may be of benefit to many people with a wide array of different medical conditions. Also, under  
17 most circumstances, Plaintiffs and the Coalition realize that the cultivation of cannabis can result in tax  
18 generation for the local and state economies. However, major problems arise when commercial cannabis  
19 operations are placed less than one mile from populated areas including schools, homes, and parks, and  
20 when cannabis is grown in aging greenhouses that vent directly to the outside air and cause the emission  
21 of chemical deodorants into the ambient air.

22 The initial goal of this lawsuit was not money. These Plaintiffs simply want relief from the awful  
23 smells and noxious odors and chemicals that they are being assaulted with on a daily basis in their homes.  
24 If Defendant would have simply installed proven carbon-based filtration devices in its greenhouses that  
25 ensure that no odors extend past the Defendant's property line, then Plaintiffs and the Coalition would  
26 have been satisfied and dismissed or settled this action like they did with all of the other co-defendants in  
27 this lawsuit who did install such devices.

1 But to date, this remaining Defendant, Valley Crest Farms, a huge cannabis operation run out of  
2 Fresno, has shown little concern for its neighbors. Defendant has never even installed certain odor  
3 abatement equipment required by the County of Santa Barbara and has been repeatedly noticed and fined  
4 by the County of Santa Barbara for violation of its mandatory odor abatement protocol. Accordingly,  
5 Plaintiffs cannot trust that Valley Crest will comply with the County Board of Supervisors recent  
6 determination that all cannabis cultivation operations must install carbon filtration scrubbers or equivalent  
7 technology. This lawsuit is necessary to ensure that Defendant complies with local and state law in the  
8 operation of its business.

9 This Defendant has thumbed its nose at the County, thumbed its nose at its neighbors, and solely  
10 focused on lining its pockets with profits from this modern-day cash crop no matter how unlivable they  
11 make it for their neighbors. Plaintiffs and the Coalition believe the only way to put a stop to bad actors like  
12 this is for the Court to certify the class and let a Santa Barbara jury decide whether the Plaintiffs and the  
13 class have been damaged by the actions of this Defendant. As a result, Plaintiffs and the Coalition ask that  
14 this Court certify this matter to proceed forward as a class action as set forth more fully below.

## 15 **II. Factual Background**

### 16 **A. Individual Plaintiffs**

17 Plaintiffs Dr. William Hahn and Danielle Dall'Armi are residents of Carpinteria and reside at 5950  
18 Casitas Pass Road, Carpinteria, California, having owned this property since the early 1990s. Dr. Hahn is  
19 a well-known gastroenterologist practicing in Santa Barbara and Ms. Dall'Armi runs a rose business (and  
20 previously ran a wedding venue business) on the couple's property.

21 Defendant's cannabis operation has severely affected the enjoyment of the Plaintiffs' property.  
22 The neighborhood surrounding their property has a thick, heavy, strong stench of cannabis on a near daily  
23 basis. (Declaration of Danielle Dall'Armi ("Dall'Armi Decl."), ¶ 3.) The proximity to the ever-present  
24 spraying of the odor control system has caused chemicals and essential oils from the system to settle on  
25 their property, and landscaping. (Dall'Armi Decl., ¶ 4.) Plaintiff Dall'Armi's rose business, wedding  
26 business and house rental income have all lost money as a result of the ever-present smell of cannabis.  
27 (Dall'Armi Decl., ¶ 5.) The cannabis operation has also affected the real estate value of their home.  
28 (Declaration of J.J. Gobbell ("Gobbell Decl."), ¶ 4.)



1 As demonstrated in the picture below, Defendant’s commercial cannabis operation is less than  
2 one-tenth of a mile from their home. In this picture, Defendant’s cannabis operation is depicted by the red  
3 arrow at 5980 Casitas Pass Road. Plaintiffs Dall’Armi and Hahn’s property is seen at the top of the picture  
4 labelled “Rose Story Farm.” The yellow line between the cannabis operation and the home shows 0.08  
5 miles.



22 Plaintiff Chonnie Bliss Jacobson is a resident of Santa Barbara County and resides at 6217 Casitas  
23 Pass Road, Carpinteria, California, having owned or lived on the property since 1985. Ms. Bliss grows  
24 avocados on the property and loves to garden.

25 Defendants’ commercial cannabis operation has severely affected the enjoyment of the Plaintiff  
26 Chonnie Bliss Jacobson’s property. (Declaration of Chonnie Bliss Jacobson (“Bliss Decl.”), ¶ 4.) Ms. Bliss  
27 smells the strong stench of cannabis each and every morning shortly after the Defendant lets the air out of  
28

1 its greenhouse. (*Ibid.*) Her and her children suffer from the ever-present smell and she finds herself  
2 gardening less and not opening the houses windows (despite not having air conditioning) because of the  
3 strong odors emanating from Defendants’ cannabis operation. (Bliss Decl., ¶ 5.) She also believes  
4 Defendant’s cannabis operation has affected the real estate value of her home. (Bliss Decl., ¶ 6.)

5 In the picture below, Defendant’s cannabis operation is depicted in the top left corner. Plaintiff  
6 Bliss’s property is tagged with a red arrow and labelled “6217 Casitas Pass.” The yellow line between the  
7 cannabis operation and Plaintiff Bliss’s home shows 0.52 miles.



1                   **B. Coalition**

2                   Plaintiff Santa Barbara County Coalition for Responsible Cannabis is a California nonprofit that  
3 was formed in the County of Santa Barbara. The Coalition is a County-wide organization that has  
4 recognized the need for a collective voice to educate the public and government leaders regarding cannabis  
5 operations, protect our environment, and maintain our community legacy. (Declaration of Lionel Neff  
6 (“Neff Decl.”), ¶ 2.) Pursuant to the purpose for which the Coalition was formed, it has received and  
7 investigated complaints that form the basis of this action, including complaints against the Defendant that  
8 concern the awful smells, noxious odors, and chemicals being emitted from Defendant’s commercial  
9 cannabis operations. (Neff Decl., ¶ 3.) Accordingly, the Coalition has expended considerable time,  
10 resources, and money to investigate such complaints—expenditures that would have been otherwise  
11 unnecessary were it not for Defendants’ wrongful conduct of the Defendant. (Neff Decl., ¶ 4.)

12                   **C. The Defendant**

13                   Defendant Valley Crest Farms, LLC is a California Limited Liability Company doing business in  
14 Santa Barbara County with its principal place of business located at 5980 Casitas Pass Road, Carpinteria,  
15 California. Upon information and belief, Defendant Valley Crest Farms, LLC holds 39 provisional state  
16 cannabis licenses and is actively cultivating cannabis in vented greenhouses located at 5980 Casitas Pass  
17 Road. Defendant was formed on February 28, 2018. Shortly after formation, on March 2, 2018, Case Van  
18 Wingerden executed a sworn “Affidavit for County Letter for Temporary State Licensing for Medical  
19 Marijuana Cultivation Locations” on behalf of Valley Crest stating that it was “operating a medical  
20 marijuana cultivation site ... that is a legal nonconforming site ... operated in compliance with State law  
21 continuously since or before January 19, 2016” for the location of 5980 Casitas Pass Road. This statement  
22 is demonstrably false because Valley Crest could not have been cultivating cannabis for several years prior  
23 to its legal formation. (See Arndt Decl., ¶ 2, Ex. A.) It’s not surprising that, in this high-dollar cannabis  
24 world where cannabis operators value profits over all else, this Defendant would lie on its application to  
25 the County of Santa Barbara to receive its permit. This same indifference to being a good corporate citizen  
26 is what leads us to the odor issues described more fully-herein below.



1                   **D.     Cannabis Cultivation Produces Noxious Odors**

2                   The strong odors produced by growing cannabis are often described as pungent, skunky, even  
3 “sewer-like.” The characteristic odor associated with cannabis is attributed to the release of chemical  
4 compounds into the air known as volatile organic compounds (“VOCs”). A study by Rice et al. identified  
5 over 200 different VOCs from packaged cannabis samples. (See Rice & Koziel, *Characterizing the smell of*  
6 *cannabis by odor impact of volatile compounds: an application of simultaneous chemical and sensory analysis* (Dec.  
7 10, 2015) PLoS One [<http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0144160>].) In  
8 addition, the malodors associated with cannabis cultivation and processing has, in some cases, been  
9 attributed to the presence of volatile sulfurous compounds referred to as thiols and terpenes. (See Oswald,  
10 Ojeda, Pobanz, Koby, Buchanan, Del Rosso, Guzman and Martin, *Identification of a new family of prenylated*  
11 *volatile sulfur compounds in cannabis revealed by comprehensive two-dimensional gas chromatography* (Nov. 12,  
12 2021) American Chemical Society Omega 2021, 6, 31667-31676  
13 [<http://pubs.acs.org/journal/acsodf?ref=pdf>].)

14                  The malodor from cannabis cultivation and processing is caused by terpenes, thiols, and/or VOCs.  
15 Due to the properties of terpenes, terpenes bind to human receptors within the nasal passage and cause  
16 direct and specific olfactory responses, even at minute concentrations. (See Komaya & Heinbockel, *The*  
17 *Effects of Essential Oils and Terpenes in Relation to Their Routes of Intake and Application* (Feb. 25, 2020)  
18 [<https://pmc.ncbi.nlm.nih.gov/articles/PMC7084246>].) Thiols and some VOCs are extremely  
19 malodorous at even lower concentrations. Studies consistently demonstrate that exposure to unpleasant  
20 odors can negatively impact individuals’ quality of life and well-being. (Dalton, Claeson & Horezniak, *The*  
21 *Impact of Indoor Malodor: Historical Perspective, Modern Challenges, Negative Effects, and Approaches for*  
22 *Mitigation* (Jan. 23, 2020) [<https://www.mdpi.com/2073-4433/11/2/126>].) Malodorous environments  
23 have been linked to increased stress levels, reduced psychological well-being, and lower satisfaction with  
24 life circumstances. (*Ibid.*) For example, research has found associations between strong industrial odors  
25 and heightened levels of depression, anger, and stress, particularly in communities near odor-emitting  
26 facilities or industrial plants. (*Ibid.*) These odors have also been shown to affect mood, concentration, and  
27 general happiness. (*Ibid.*)

1 The Environmental Impact Report (“EIR”) dated December 2017 generated regarding the  
2 Cannabis Land Use Ordinance and Licensing Program deems the odor from cannabis cultivation a  
3 nuisance. And the Santa Barbara County Air Pollution Control District has stated that “strong odors  
4 associated with cannabis operations can negatively affect the surrounding community and cause a public  
5 nuisance.” (See <https://www.ourair.org/cannabis/> [visited Nov. 25, 2024].)

6 Terpenes and other cannabis malodors travel in the airstream and are moved by breeze, fog,  
7 thermals, and wind. Odors are strongest when the flower is budding, when the flower buds are harvested  
8 or agitated, and during the drying process. In nature, cannabis flowers bloom during one specific season.  
9 However, given the artificial conditions of greenhouses, significant portion of plants flower at any given  
10 time and cannabis flowers can be in bloom year-around. The year-round blooming and harvesting and  
11 drying cycle of commercial cannabis growers in greenhouses that vent directly to the outside air (as  
12 discussed below) contributes significantly to the pervasive, odor-saturated problems for the residents of  
13 Carpinteria. Indeed, Valley Crest’s site manager, Ruben Maquez testified in his deposition that the  
14 cannabis plants have a 12-week life cycle, with the final two weeks producing a significant odor. (Arndt  
15 Decl., ¶ 3, Ex. B [Deposition of Ruben Marquez at pp. 20:2–22:10].) All the cannabis plants that are  
16 growing in Valley Crest’s greenhouses are not on the same schedule, meaning there is a constant rotation  
17 of plants at different stages of life, with harvesting (one of the most odor producing events) happening  
18 weekly. (*Ibid.*) Indeed, Mr. Marquez testified as follows:

19 Q: If the plants produce odor in last two weeks before they’re harvested, and each  
20 week you’re harvesting some section of those greenhouses, then each week that  
21 exists you have plants within the greenhouse that are producing odor; correct?

22 A: Yes.

23 Q: Now, this cycle that you just described has been consistent throughout the time  
24 period that you’ve been the site manager?

25 A: Yes. That process has been there for five years.

26 (*Id.* at pp. 21:25-22:10.)

27 **E. Defendant’s Operations Create Nuisance Odors in its Surrounding Neighborhood**

28 As mentioned above, every single week for the last five years, Defendant Valley Crest has been  
harvesting cannabis and producing strong odors that travel from its facility onto neighboring properties

1 owned by the class. The reason that odor escapes their facility and travels to adjoining parcels is because  
2 Valley Crest's greenhouses are vented.

3 Depicted in the photo below (on the top of the following page) is Valley Crest's greenhouse  
4 showing that the vents on the top are open.



18  
19 It is undisputed that very strong cannabis odors build up within Valley Crest's greenhouses. For  
20 example, on November 15, 2024, a company called Geosyntec, who was hired by the County of Santa  
21 Barbara to do odor testing, tested the interior of Valley Crest's vented greenhouses using a portable Nasal  
22 Ranger Field Olfactometer and found strong nuisance odors (measuring 15 d/t) within Valley Crest's  
23 greenhouse. (Arndt Decl., ¶ 4, Ex. C.) The test results are depicted below:



According to this chart produced by the County of Santa Barbara, a reading of 15 d/t is considered a “Strong Odor.” (Arndt Decl., ¶ 5, Ex. D [Board of Supervisors letter dated Apr. 23, 2024].)

**Table 5. Dilution to Threshold (D/T) Examples**

Odor Units D/T	Intensity	Example of Odor Source
60	Exceptionally Strong	Overpowering odor (i.e. strong cologne, eau de perfume)
30	Very Strong	Overwhelming odor (i.e. cleaning supplies)
15	Strong	Odor is pervasive (i.e. opening a bag of coffee)
7	Noticeable	Odor level where public can identify the odor (i.e. peeling an orange)
4	Faint	Odor level common in a city (i.e. downtown Santa Barbara)
2	Very Faint	Odor level usually considered "just noticeable" (i.e. fresh laundry)
0	No Odor	Ambient air in a community with "no odor" noticeable

1 At Valley Crest, each and every day at or around sunrise, hundreds of vents open to allow heat and  
2 humidity which has built up in the over 7-acre greenhouse to escape. (Arndt Decl., ¶ 3, Ex. B [Marquez  
3 Depo. at pp. 12:20–13:16, 15:15–16:2].) When that hot air rises through the vents it takes with it all the  
4 strong odor built up from the cannabis operation while the vents were closed and deposits that  
5 concentrated odor into the air outside the facility. (*Id.* at pp. 15:15–16:2.) This nuisance odor then travels  
6 in the airstream and is moved by breeze, fog, thermals, and wind onto the properties surrounding  
7 Defendant’s facility.

8 Indeed, even on the day that the County of Santa Barbara conducted its indoor testing of Valley  
9 Crest’s facility, the report states “Faint to moderate cannabis odors were detected by Geosyntec staff  
10 using individual odor perception while traversing the exterior area directly north-west of the flowering  
11 section of the Greenhouse for about 5 minutes.” (Arndt Decl., ¶ 4, Ex. C at p. 4.)

12 **F. Valley Crest’s Operations Have Been the Subject of Numerous Odor-related**  
13 **Complaints from the Putative Class and the Public at Large**

14 As a result of its daily release of highly concentrated cannabis odors from its vented greenhouses,  
15 Valley Crest has been the subject of numerous odor complaints from putative class members and the public  
16 at large. Through a Public Records Request to the County of Santa Barbara, Plaintiff learned that there  
17 were no less than 67 odor complaints filed with the County complaining of the odor and chemical masking  
18 agents being admitted from Valley Crest’s facility. (See Arndt Decl., ¶ 6, Ex. E.)

19 Among these complaints, punitive class members and members of the general public stated the  
20 following:

- 21 • “Stepped outside to strong pot odor all through the farm. 5980 casitas pass is the culprit.  
22 Please begin the odor compliance steps. Thank you.” 12/19/2022
- 23 • “...you really need to do something about the pot stink. Our entire Thanksgiving weekend  
24 was filled with skunk stench. Our visiting family and guests all commented on this. We  
25 cannot live like this. The Fogco makes several of us ill and it doesn’t work. Right now, 3:30  
26 on Monday afternoon the 28<sup>th</sup>, smell is so strong it has given us all headaches. I’m not sure  
27 what is going on but your company needs to do something about it. I’m tired of complaining  
28 and not have you do anything about this.” 11/28/2022
- “The smell coming from 5980 today is literally nauseating. What the heck is going on? This  
is the third day in a row it’s been bad and it’s just ratcheting up.. come on guys. It’s Xmas.



1 We are supposed to smell pine trees and cider.. geez. Let’s get this odor program on track.  
2 We cannot live like this.” 12/20/2022

- 3 • “Visiting a friend on an adjacent property and the cannabis odor was overwhelming. Huge  
4 greenhouse operations just upwind creates a real problem with air quality.” 12/29/2020
- 5 • “All day and all night. The Forgo vapor system is NOT masking the odor and it is making  
6 me ill.” 10/19/2022
- 7 • “Pot odor terrible at 7 am this morning, throughout the property.” 11/11/2022
- 8 • “I want to let you know of two times we have smelled cannabis here on my property at  
9 6200 Casitas Pass Road in Carpinteria, CA. The dates are November 22nd at 9:15 and also  
10 on Thanksgiving Day in the morning. There are other times but I did not write them down  
11 and only want to be exact in my reporting.” 12/6/2022
- 12 • “I’m going to try to send a video of emitters spouting some mist into the air from piping on  
13 the roof level of this greenhouse. I would like to know what is in this liquid pouring into the  
14 atmosphere that I am breathing. Is this safe? What exactly am I breathing now? What is  
15 landing on my avocado leaves that the trees are dealing with? Will it kill my trees? Growing  
16 avocados is my livelihood. I am very concerned.” 12/12/19
- 17 • “The pot smell is so bad tonight. It always seems worse on the weekends. Was terrible  
18 yesterday as well. Please please deal.” 11/1/2022

19 As these complaints demonstrate, the cannabis odors and chemical deodorants being emitted from  
20 Valley Crest’s cannabis operation on a daily basis are a public nuisance to its surrounding community.

21 **G. Valley Crest’s Operations Have Been Cited and Fined for Not Complying With Its**  
22 **Own Odor Abatement Plan Submitted as Part of the Permitting Process**

23 In October of 2022, the County of Santa Barbara approved a Coastal Development Permit for Valley  
24 Crest. (Arndt Decl., ¶ 7, Ex. F.) A condition of that Permit was that the “Odor abatement will consist of  
25 Benzaco Scientific vapor-phase systems surrounding all cultivation areas (including processing areas).”  
26 (*Id.* at p. 4.) After being approved, the County of Santa Barbara did several inspections. At each of these  
27 inspections the County determined that Valley Crest had never installed the odor abatement system on  
28 the processing building. This is important because the processing building contains higher odor  
concentrations than the greenhouse. (See Arndt Decl., ¶ 4, Ex. C and ¶ 3, Ex. B [Marquez Depo. at p.  
30:20–24].)

1 Indeed, in two Notice of Violation obtained from the County of Santa Barbara, the County cited  
2 Valley Crest for this violation. Namely in Notice of Violations dated November 23, 2023 and again on  
3 January 25, 2024 (erroneously dated 2023) the County states:

4 The processing building currently in use is not compliant with their  
5 approved OAP. The stated primary method of odor control (two, single  
6 zone high pressure Fogco pumping odor control systems) has not been  
installed.

7 (See Arndt Decl., Ex. G and H.)

8 Those two notice of violation told Valley Crest it must “*Cease use of processing building for processing*  
9 *and storing of cannabis* - You MUST cease the use of your Processing building and schedule an inspection  
10 within thirty (30) days from the receipt of this Notice of Violation.” (*Ibid.*) But Valley Crest didn’t cease  
11 operations and, in fact, Valley Crest did nothing because it doesn’t care about controlling the odors leaving  
12 its facilities and bothering its neighbors.

13 Indeed, when asked about whether Valley Crest intends to comply with its own Odor Abatement  
14 Plan submitted to the County, Mr. Marquez testified as follows:

15 Q: When did the Fogco system become installed on the processing building?

16 A We don’t have a -- we don’t have a Fogco system on the processing building.

17 Q Even to today?

18 A Correct.

19 (Arndt Decl., ¶ 3, Ex. B [Marquez Depo. at p. 36:17-22].)

20 As a result, the County of Santa Barbara fined Valley Crest (Arndt Decl., ¶ 10, Ex. I) and Valley  
21 Crest just paid the fine because paying the fine was cheaper than solving its odor problems, and Valley  
22 Crest is solely motivated by profits – without regard for being a good neighbor.

### 23 **III. Argument**

#### 24 **A. Overview of Class Action Law**

25 The “[p]arty advocating class treatment must demonstrate the existence of an ascertainable and  
26 sufficiently numerous class, a well-defined community of interest, and substantial benefits from  
27 certification that render proceeding as a class superior to the alternatives.” (*Brinker Restaurant Corp. v.*  
28 *Superior Court* (2012) 53 Cal.4th 1004, 1021; Code Civ. Proc., § 382.) The class certification question is

1 essentially a procedural one that examines whether the class proponent’s theory of recovery is amenable  
2 to class treatment. (*Sav-On Drug Stores, Inc. v. Superior Court* (2004) 34 Cal.4th 319, 326-327.) “A trial  
3 court ruling on a certification motion determines ‘whether ... the issues which may be jointly tried, when  
4 compared with those requiring separate adjudication, are so numerous or substantial that the maintenance  
5 of a class action would be advantageous to the judicial process and to the litigants.’” (*Ibid*, quoting, *Collins*  
6 *v. Rocha* (1972) 7 Cal.3d 232, 238). The court, however, does not address whether the action is legally or  
7 factually meritorious. (*Sav-On*, 34 Cal.4th at p. 326.) Instead, “[t]he court must assume the class claims  
8 have merit and resolve disputes regarding the claims’ merits only when necessary to determine whether  
9 an element for class certification is satisfied.” (*Martinez v. Joe’s Crab Shack Holdings* (2014) 231  
10 Cal.App.4th 362, 372.) Addressing the merits of affirmative defenses is generally inappropriate in a motion  
11 for class certification. (See *Hendershot v. Ready to Roll Transportation, Inc.* (2014) 228 Cal.App.4th 1213,  
12 1223–1224 [trial court erred in considering affirmative defenses where they did not “overlap” with class  
13 issues].)

14 The showing required in a motion to certify a class action is within the discretion of the court so  
15 long as the court applies the correct criteria. (*Occidental Land, Inc. v. Superior Court* (1976) 23 Cal.4th 429,  
16 435.) In reaching its decision, the trial court is entitled to consider the totality of the evidence in  
17 determining whether the plaintiff has presented substantial evidence of the class action prerequisites.  
18 (*Evans v. Lasco Bathware, Inc.* (2009) 178 Cal.App.4th 1417, 1422.) At the class certification stage,  
19 however, the plaintiff is not required to identify individual class members, demonstrate the merits of their  
20 claims, show that each class member has been injured or identify a form of notice. (*Ibid.*)

## 21 **B. Definition of the Class**

22 The definition of the class is: “All owner-occupiers of real property located within one mile of  
23 Defendants’ cannabis operations who purchased their property prior to January 19, 2016.” Given the  
24 geographical nature of the class definition, Plaintiff will be able to easily demonstrate that the class  
25 members are ascertainable and that they are sufficiently numerous to support proceeding on a classwide  
26 basis. More specifically, a simple aerial map from a reputable, judicially-noticeable source will establish  
27 the location of Defendant’s operations at 5980 Casitas Pass Road and a one-mile radius can be determined  
28 to conclusively show all of the real property that falls under the class definition. (See, e.g., Arndt Decl. ¶

1 11, Ex. J.) The owner-occupiers of that real property are the class members that Plaintiffs seek to represent  
2 in this action.

3           Moreover, the amount of persons in the class are numerous, consisting of dozens of individuals.  
4 This is based upon the ability to specifically identify the exact number of properties, their addresses, and  
5 the individuals that own them. Given this number of class members, the joinder of all such persons is  
6 impracticable and that the disposition of their claims in a class action rather than in individual actions will  
7 benefit the parties and the Court.

8           There is a well-defined community of interest in the questions of law and fact involved affecting  
9 the Plaintiff class. These questions are the same for each class member and include (1) whether  
10 Defendant's conduct constitutes a trespass, a public nuisance, or a private nuisance; (2) whether  
11 Defendant's conduct violates California statutes such as Section 17200 of the California Business  
12 Professions Code and the Health and Safety Code; and, among other things, (3) whether Defendant's  
13 conduct has diminished the value of neighboring properties. These questions of law and fact predominate  
14 over questions that affect only individual class members. Therefore, proof of a common or single state of  
15 facts will establish the right of each member of the class to recover. Because of these common issues, all  
16 class members have a unified interest in seeing the litigation resolve in the same manner. There are no  
17 conflicts among the class members that would prevent Plaintiffs from faithfully represented the interests  
18 of the class. This commonality also means that the particular claims of the proposed class representatives  
19 are typical of those of the class and support a finding that the class representatives will fairly and adequately  
20 represent the interests of the entire class.

21           Finally, the prosecution of individual cases by members of the class could establish inconsistent  
22 rulings and leave to disparate standards regarding the conduct that gave rise to Defendant's liability. This  
23 would likely result in the impairment of class members' rights and the disposition of their interests through  
24 actions to which they were not parties. For example, the answer to whether the odors and particulate  
25 matter emanating from Defendant's property—based on (among other things) Defendant's refusal to  
26 install carbon filtration systems—are a nuisance and a trespass on the class members' property is the same  
27 for each class member. It is in the interest of justice that there be a single determination on Defendant's  
28 conduct and potential liability.

1                   **C.     The Class Is Numerous and Joinder of All Members Is Impracticable**

2           The numerosity requirement “that there be ‘many’ parties to a class action suit is indefinite and  
3 has been construed liberally.” (*Rose v. City of Hayward* (1981) 126 Cal.App.3d 926, 934.) “No set number  
4 is required as a matter of law for the maintenance of a class action.” (*Ibid.*) And while 30 to 40 class  
5 members generally satisfies the numerosity requirement, California courts have upheld small classes,  
6 including a class comprising only 10 people. (*Ibid.*; see, e.g., *Bowles v. Superior Court* (1955) 44 Cal.2d 574,  
7 587 [class of 10 trust beneficiaries in action to remove trustee]; *Collins v. Rocha* (1972) 7 Cal.3d 232, 234  
8 [class of 35 trust beneficiaries in action against trustee for improper conduct]; *Rose*, at p. 934 [class of 42  
9 retirees against public employee retirement system]; *Marler v. E.M. Johansing, LLC* (2011) 199  
10 Cal.App.4th 1450, 1461 [class of 96 mobile home park residents].) Plaintiff has the burden of presenting  
11 substantial evidence of the approximate size of the class. (*Bauman v. Islay Investments* (1975) 45 Cal.App.3d  
12 797, 801.)

13           Here, Plaintiff submits ample evidence to demonstrate numerosity of the class. As stated above,  
14 the class definition in this case is geographical in nature, encompassing all real property and the  
15 owner/operators of that property within one mile of Defendant’s operations. The number of class  
16 members, and the exact members of the class, can be ascertained by using a map of the area one mile of  
17 the undisputed location of Defendant’s facility. (See Arndt Decl., ¶ 11, Ex. J.) Even a rough estimate of  
18 the number of properties involves amounts to several dozen potential class members. That number alone  
19 is sufficient. (See *Rose, supra*, 126 Cal.App.3d at p. 934.) And importantly, this numerosity also makes  
20 joinder of all class members is impracticable. In other words, the management of multiple, separate actions  
21 will consume dramatically more judicial resources and would be manifestly inefficient. Having each  
22 Plaintiff file their own complaints, retain their own experts, and conduct individualized discovery would  
23 serve no rational purpose. Therefore, the time, volume of work, and cost of pursuing individual claims  
24 shows that joinder is impracticable.

25                   **D.     The Class Is Ascertainable**

26           “Ascertainability” is a due process requirement that ensures notice can be given to putative class  
27 members who will be bound by the judgment and as to whom it will have res judicata effect. The  
28 determination is made by examining the class definition, the size of the class and the means available to

1 identify class members. (*Sotelo v. MediaNews Group, Inc.* (2012) 207 Cal.App.4th 639, 647–648; *Reyes v.*  
2 *San Diego County Board of Supervisors* (1987) 196 Cal.App.3d 1263, 1271.) As discussed above, it is not  
3 necessary to have identified the particular members of the class for purposes of certification of the class.  
4 (*Evans, supra*, 178 Cal.App.4th at p. 1422.) Instead, courts typically look to the class definition, the size of  
5 the class and the means of identifying class members when deciding whether a class is ascertainable. (*Bufile*  
6 *v. Dollar Financial Group, Inc.* (2008) 162 Cal.App.4th 1193, 1207.) A class is “ascertainable if it identifies  
7 a group of unnamed plaintiffs by describing a set of common characteristics sufficient to allow a member  
8 of that group to identify himself as having a right to recover based on the description.” (*Ghazaryan v. Diva*  
9 *Limousine, Ltd.* (2008) 169 Cal.App.4th 1524, 1533.) Ascertainability is “‘better achieved by defining the  
10 class in terms of objective characteristics and common transactional facts ...’” (*Bufile, supra*, 162  
11 Cal.App.4th at p. 1207, quoting *Hicks v. Kaufman & Broad Home Corp.* (2001) 89 Cal.App.4th 908, 915.)  
12 Here, as discussed above, the class is well-defined as the “[a]ll owner-occupiers of real property located  
13 within one mile of Defendants’ cannabis operations who purchased their property prior to January 19,  
14 2016” and is numerous.

15 The ability to identify the class members is objective, readily determinable, and facilitates notice  
16 to the members. In this case, Plaintiffs propose a geographic definition of the class, placing all class  
17 members within one mile of Defendant’s cannabis operations. Membership in this class can easily be  
18 ascertained through maps of undisputed validity and publicly available property records. Furthermore, the  
19 class definition will allow for the identification of and notification to the proposed class members through  
20 direct mail. (Arndt Decl., ¶ 11, Ex. J.) Providing notice is not anticipated to be a problem. Therefore, the  
21 class is readily ascertainable and providing notice does not pose any significant impediment.

#### 22 **E. The Class Has a Well-Defined Community of Interest**

23 “The community of interest requirement embodies three factors: (1) predominant common  
24 questions of law or fact; (2) class representatives with claims or defenses typical of the class; and (3) class  
25 representatives that can adequately represent the class.” (*Richmond v. Dart Industries, Inc.* (1981) 29 Cal.3d  
26 462, 470.)

27 A predominant question exists within the defined class where each member of the class is not  
28 required to individually litigate numerous and substantial questions to determine that member’s right to

1 recover following the class judgment and the issues which may be jointly tried, when compared with those  
2 requiring separate adjudication, are sufficiently numerous and substantial to make the class action  
3 advantageous to the judicial process and to the litigants. (*Washington Mut. Bank, FA v. Superior Court*  
4 (2001) 24 Cal.4th 906, 913–914; *Brinker, supra*, 53 Cal.4th at p. 1021.) “As a general rule if the defendant’s  
5 liability can be determined by facts common to all members of the class, a class will be certified even if the  
6 members must individually prove their damages.” (*Brinker*, 53 Cal.4th at p. 1022; *Hicks, supra*, 89  
7 Cal.App.4th at p. 916.) “[T]he community of interest requirement for certification does not mandate that  
8 class members have uniform or identical claims.” (*Capitol People First v. State Dept. of Developmental*  
9 *Services* (2007) 155 Cal.App.4th 676, 692.)

10 Here, the basis for the liability of Defendant depends upon the same facts and law: (1) whether  
11 Defendant’s conduct constitutes a trespass, a public nuisance, or a private nuisance; (2) whether  
12 Defendant’s conduct violates California statutes such as Section 17200 of the California Business  
13 Professions Code and the Health and Safety Code; and, among other things, (3) whether Defendant’s  
14 conduct has diminished the value of neighboring properties. (Complaint at ¶ 56.)

15 These are all questions that must be uniformly answered, across the class, as this case unfolds.  
16 More specifically, it is a common question whether the emanating odors and particulate matter from  
17 Defendant’s facilities constitutes a trespass and nuisance under California law. In addition, Plaintiffs have  
18 alleged that Defendant falsely claimed—in a sworn affidavit submitted to the State of California—that it  
19 was cultivating cannabis for medicinal purposes prior to January 19, 2016 in order to obtain grandfathered  
20 status for its purportedly existing grow operation. (Complaint at ¶ 81.) Plaintiffs contend that this was a  
21 violation of the California Business and Professions Code in that it wrongly provided Defendant with a  
22 business advantage. (*Ibid.*) These are questions of law and fact that predominate over the entire class and  
23 should therefore be decided on a class wide basis.

24 **F. Danielle Dall’Armi, William Hahn, and Chonnie Bliss Are Adequate Class**  
25 **Representatives**

26 Danielle Dall’Armi, William Hahn and Chonnie Bliss have claims typical of the class and are  
27 Adequate Class Representatives. The named plaintiff in a class action must fairly and adequately represent  
28 and protect the interests of the class. (*La Sala v. American Sav. & Loan Assn.* (1971) 5 Cal.3d 864, 871). To

1 represent the class fairly and adequately, the named plaintiff must have claims or defenses that are typical  
2 of the claims or defenses of the class. (*Stephens v. Montgomery Ward* (1987) 193 Cal.App.3d 411, 422). The  
3 party seeking class certification has the burden of proving that its named representative can fairly and  
4 adequately represent and protect the interests of the class (*Richmond, supra*, 29 Cal.3d at p. 470.).

5 As set forth in the factual section above, Plaintiffs William Hahn, Danielle Dall'Armi, and Chonnie  
6 Bliss Jacobson are all residents of Carpinteria and reside within the one-mile radius of Defendant's  
7 business. Dr. Hahn is a well-known gastroenterologist practicing in Santa Barbara and Ms. Dall'Armi runs  
8 a rose business on the couple's property. Ms. Bliss grows avocados on her Carpinteria property and loves  
9 to garden.

10 As with the rest of the class, Defendant's cannabis operation has severely affected the named  
11 Plaintiffs' ability to enjoy their property. The neighborhood surrounding their property is regularly  
12 impacted by the strong odor of cannabis on a near daily basis. And the proximity to the ever-present  
13 spraying of the odor control system has caused chemicals and essential oils from the system to settle on  
14 their property, and landscaping. Each named Plaintiff has also suffered a loss of value in their homes  
15 because of Defendant's cannabis operations.

16 The experiences of the proposed class representatives, and the injuries they have suffered and  
17 continue to suffer, make their claims typical of the proposed class. Plaintiffs and their properties have been  
18 harmed by the odors and other materials that travel from Defendant's operations to their properties. These  
19 odors have harmed both their personal enjoyment of Plaintiff's property and their ability to conduct  
20 business on their properties. And importantly, there are no conflicts between Plaintiffs' interests and the  
21 interests of the class as a whole. Plaintiffs seek the same relief, based on the same conduct by Defendants,  
22 as does the rest of the class.

23 Foley Bezek Behle & Curtis, LLP is adequate class counsel. Class counsel must be qualified to  
24 conduct the proposed litigation. (*McGhee v. Bank of America* (1976) 60 Cal.App.3d 442, 451). Here, the  
25 strength of class counsel in that lead counsel Robert A. Curtis has been involved in this case since the  
26 beginning, has extensive experience in representative litigation, and is in good standing in every  
27 jurisdiction in which he has been admitted.



1 As a result of the presence of Mr. Curtis as counsel for since the beginning of this litigation, there  
2 is no attorney in a better position to prosecute the rights of the plaintiff class. (Declaration of Robert A.  
3 Curtis (“Curtis Decl.”) ¶ 10.) Not only is Mr. Curtis intimately familiar with the many material facts  
4 and legal issues involved, having been engaged in discovery, prepared the pleadings and other papers,  
5 and has the established relationship with Plaintiffs. (*Ibid.*) Mr. Curtis also has significant experience in  
6 representative litigations. (*Id.* at ¶¶ 7–9.)

7 Moreover, Foley Bezek Behle & Curtis, LLP has the capability of taking the present litigation  
8 through trial. (Curtis Decl., ¶ 10.) Mr. Curtis has already kept the case moving forward for more than a  
9 year and his firm is capable of continuing to support this case through the remainder of discovery and trial.  
10 (*Ibid.*)

11 Finally, in preparation for the prosecution of this class action, Mr. Curtis contracted and/or  
12 confirmed the availability of two experts in 2025 and 2026. These expert witnesses include Dr. Mark  
13 Kram’s expert opinion which will address the spreading of odors and particulate matter from Defendant’s  
14 operations based on his substantial experience as an environmental scientist. (See Arndt Decl., ¶ 12.) And  
15 J.J. Goebbel is an extremely qualified real estate appraiser located in the County of Santa Barbara, will be  
16 able to quantify the diminished value of the class member’s real property caused by Defendant’s conduct.  
17 (Gobbell Decl., ¶ 2, Ex. K.)

18 **G. Certification Is Superior to Other Methods for the Adjudication of the Claims**

19 Ultimately the question of certification comes down to finding that the class action proceeding is  
20 superior to alternate means for a fair and efficient adjudication of the litigation. (*Sav-On, supra*, 34 Cal.4th  
21 at p. 332.) As the various facets of the class action analysis discussed above demonstrate, there is no  
22 substitute for class treatment here. As stated above, the allegations against Defendant involve common  
23 questions of law and fact. The risk of inconsistent judgments posed by maintaining numerous separate  
24 lawsuits is both potentially high and unnecessary in light of the relative ease of identifying and notifying  
25 the class members. (See *Washington Mutual Bank v. Superior Court* (2001) 24 Cal.4th 906, 915, “choice-  
26 of-law determination is of central importance to issues of predominance and manageability . . .”)  
27 Moreover, the Plaintiffs have already been litigating the present dispute in this action more than a year.  
28 (See *Clothesrigger, Inc. v. GTE Corp.* (1987) 191 Cal.App.3d 605, 618, existing action by class member is

1 factor in determining whether class action is superior to other methods for fair and efficient adjudication.)  
2 Thus, class action is the “hands down” best approach to the alleged liability here.

3 **IV. Conclusion**

4 For all of the foregoing reasons, Plaintiffs respectfully request an order certifying the class of “all  
5 owner-occupiers of real property located within two miles of Defendants’ cannabis operations who  
6 purchased their property prior to January 19, 2016” and allow this action to continue on a class wide basis.

7  
8 Dated: February 5, 2025

FOLEY BEZEK BEHLE & CURTIS, LLP

9  
10 By   
11 ROBERT A. CURTIS  
12 *Attorneys for Plaintiffs*